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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217690
Party	Defendant VMEdu, Inc.
Correspondence Address	VMEDU, INC. VMEDU, INC. 410 N 44TH ST STE 240 PHOENIX, AZ 85008-7688 marketing@scrumstudy.com;support@vmedu.
Submission	Answer
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Date	09/12/2014
Attachments	VMEDU - 690 ANSWER.pdf(535140 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 86/057,491 Filed on September 6, 2013 for SBOK Published in the Official Gazette on February 4, 2014

SCRUM ALLIANCE, INC.,	
) Opposition No. 91217690
Opposer,)
VS.	
VMEDU, INC.,	
A 11)
Applicant	
	_)

Commissioner for Trademarks P.O. Box 1451 Alexandria, Virginia 22313

Attn: Trademark Trial and Appeal Board

ANSWER OF APPLICANT VMEDU, INC. TO NOTICE OF OPPOSITION

Applicant, VMEDU, INC. ("Applicant") in reply to the Notice of Opposition filed by Opposer SCRUM ALLIANCE, INC. ("Opposer") hereby admits, denies and avers as follows:

- 1. In response to the initial Paragraph, Applicant is without knowledge or information sufficient to form a belief as to the truth of averments contained therein and, on that ground, denies generally and specifically each and every averment contained therein.
- 2. In response to Paragraph 1, Applicant is without knowledge or information sufficient to form belief as to the truth of the averments contained therein and, on that ground, denies generally and specifically each and every averment contained therein.

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4853-0300-4190.1

Applicant's Mark is Merely Descriptive Without Sufficient Evidence of Acquired Distinctness

- 3. In response to Paragraph 2, Applicant denies generally and specifically each and every averment contained therein.
- 4. In response to Paragraph 3, Applicant denies generally and specifically each and every averment contained therein.
- 5. In response to Paragraph 4, Applicant denies generally and specifically each and every averment contained therein.
- 6. In response to Paragraph 5, Applicant denies generally and specifically each and every averment contained therein.
- 7. In response to Paragraph 6, Applicant is denies generally and specifically each and every averment contained therein.
- 8. In response to Paragraph 7 Applicant denies generally and specifically each and every averment contained therein.

Applicant's Mark is Generic

- 9. In response to Paragraph 8, Applicant incorporates by this reference each and every admission denial and averment contained in its responses to Paragraphs 1-7, above, as though fully set forth herein.
- 10. In response to Paragraph 9, Applicant denies generally and specifically each and every averment contained therein.
- 11. In response to Paragraph 10, Applicant incorporates by this reference each and every admission, denial and averment contained in its responses to Paragraphs 1-9, above, as though fully set forth herein.
- 12. In response to Paragraph 11, Applicant denies generally and specifically each and every averment contained therein.
- 13. In response to Paragraph 12, Applicant denies generally and specifically each and every averment contained therein.
- 14. In response to Paragraph 13, Applicant denies generally and specifically each and every averment contained therein.

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4853-0300-4190.1

AFFIRMATIVE DEFENSES

- 15. As an affirmative defense, Applicant avers that the Notice of Opposition fails to state sufficient facts upon which a claim for relief may be granted.
- 16. As a third, further and separate affirmative defense, Applicant avers that the mark is not being used as a descriptive term.
- 17. As a fourth, further and separate affirmative defense, Applicant avers that the mark is not a generic term and the relevant purchasing public does not understand same as primarily the common name for the goods.
- 18. As a fifth, further and separate affirmative defense, Applicant avers that Opposer's claims

WHEREFORE, Applicant prays that the Opposition be dismissed and that Application Serial No. 86/057,491 filed on September 6, 2013 be allowed.

Dated: September 12, 2014

Respectfully submitted, Lewis Brisbois Bisgaard & Smith LLP

By:

Thomas S. Kiddé

Attorneys for Applicant VMEDU, Inc.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER OF APPLICANT VMEDU, INC. TO NOTICE OF OPPOSITION was served by U.S. mail, first class, postage prepaid, on this 12th day of September, 2014, on the Applicant's counsel: David M. Perry, Esq., Blank Rome, LLP, One Logan Square, Philadelphia, Pennsylvania 19103-6998

Thomas S. Kiddé